



Republic of Namibia  
Annotated Statutes

**REGULATIONS**

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REGULATIONS SURVIVING IN TERMS OF

**Labour Act 11 of 2007**  
section 142

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**Employment Bureaux Regulations**

Government Notice 323 of 1972

(RSA GG 3742)

came into force on date of publication: 22 December 1972

The Employment Bureaux Regulations were originally made in terms of section 38 of the South-West Africa Constitution Act 39 of 1968, which was repealed by the Labour Act 6 of 1992 and subsequently repealed by the Labour Act 11 of 2007. Pursuant to section 142 of the Labour Act 11 of 2007, the Employment Bureaux Regulations are deemed to have been made under that Act.

**Government Notice 5 of 1977 (OG 3657)**

came into force on date of publication: 21 October 1977

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**Employment Bureaux Regulations**

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**Definitions**

1. In these regulations, unless the context otherwise indicates -

“accommodation” means any building, house, hut, room or other structure used or intended for use for residential purposes by an employee or his family;

“authorised officer” means any magistrate, additional magistrate, assistant magistrate, native commissioner, assistant native commissioner, employment officer, any member of the South African Police or of the South African Railways and Harbours Police, or any other class of persons specially designated by the Minister;

“Chief Native Commissioner” means an officer appointed in terms of section 4(1) of the Native Administration Proclamation, 1928 (Proclamation 15 of 1928) (South-West Africa), and includes an officer acting under his authority;

“employee” and “workseeker” means a person defined in the third last paragraph of section 25 of the Native Administration Proclamation, 1928 (Proclamation 15 of 1928) (South-West Africa), but excludes a person who is a member of the population group known as the Names referred to in section 22(1)(a) of the South-West Africa Constitution Act, 1968 (Act 39 of 1968);

“employment officer” means an officer or officers who have been licensed by the Chief Native Commissioner in terms of regulation 3 to conduct an employment bureau;

“Minister” means the Minister of Bantu Administration and Development;

“Native Commissioner” means an officer appointed in terms of section 4(2) of the Native Administration Proclamation, 1928 (Proclamation 15 of 1928) (South-West Africa), and

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includes a magistrate or an additional or an assistant magistrate who has been appointed a Native Commissioner in terms of the said section 4(2);

“proclaimed area” means a proclaimed area referred to in section 22 of the Urban Areas Proclamation;

“Secretary” means the Secretary for Bantu Administration and Development and includes any other officer in the Public Service acting under his authority;

“Urban Areas Proclamation” means the Natives (Urban Areas) Proclamation, 1951 (Proclamation 56 of 1951) (South-West Africa);

“urban local authority” means an urban local authority defined in section 1 of the Urban Areas Proclamation.

**Establishment of Employment Bureaux**

2. (1) There is hereby established an employment bureau for every Native Commissioner’s area of jurisdiction, which shall be conducted by an officer in the Public Service or a person who has been licensed for that purpose by the Chief Native Commissioner, to be known as the employment officer, and such bureau may be conducted by any urban local authority designated for that purpose by the Minister, the headquarters of such bureau also being designated by the Minister, and such bureau may operate sub-offices outside the area of jurisdiction of an urban local authority conducting the employment bureau.

(2) Any officer who conducts an employment bureau shall be deemed to be a peace officer for the purposes of the Criminal Procedure Ordinance, 1963 (Ordinance 34 of 1963).

**Powers and Functions of the Chief Native Commissioner, Native Commissioners, Employment Officers and Authorised Officers**

3. (1) The Chief Native Commissioner -

- (i) shall control the activities of the employment bureaux in his area of jurisdiction;
- (ii) shall inquire into any matter affecting the employment of employees and the efficient functioning of the employment bureaux;
- (iii) generally shall take all such steps as are necessary to ensure the efficient functioning of employment bureaux in his area;
- (iv) shall have the power at all reasonable times to inspect any employment bureau in his area and any premises within his area upon which there are employees;
- (v) shall have access at all reasonable times to the records, books and accounts of an employment bureau in his area;
- (vi) shall have the power to license an employment officer.

(2) An employment officer shall -

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- (i) control and conduct his bureau in terms of these regulations and any lawful instructions which he may from time to time receive from the Chief Native Commissioner or the Secretary;
  - (ii) keep such records and registers and furnish such returns and information as may be required from time to time by the Secretary;
  - (iii) co-operate with other employment officers, employers and recognised bodies to ensure the efficient functioning of his bureau.
- (3) An employment officer may, in addition to any other powers or functions which may be prescribed -
- (i) refuse to sanction the placement in employment, engagement, or continued employment of any employee in the area of the employment bureau concerned, and by notice in writing to the employer concerned declare any agreement of employment with such employee cancelled if he is satisfied -
    - (a) that the agreement of employment with such employee is not bona fide; or
    - (b) that such employee has no approval in terms of an enactment of a legislative council referred to in section 3 of the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act 54 of 1968), to leave any area defined in section 2 of the said Act, or, if he has been granted approval, has exceeded the maximum period of such approval; or
    - (c) that such employee has not been released from the obligation of rendering service under an earlier agreement of employment; or
    - (d) [regulation 3(3)(d) deleted by GN 5/1977]
    - (e) that such employee refuses to submit himself to medical examination by a medical officer or, having been medically examined, has not been passed as healthy and vaccinated as prescribed, or is found to be suffering from venereal disease or from tuberculosis or from any other ailment or disease which in the opinion of the medical officer is dangerous to public health; or
    - (f) [regulation 3(3)(f) deleted by GN 5/1977]
    - (g) that no accommodation in a proclaimed area or at a mine or works defined in Proclamation 3 of 1917 (South-West Africa), approved by him or a competent authority is available for such employee, or, if such accommodation is available, that such employee is not occupying it, unless such employee has obtained his permission to occupy other accommodation temporarily; or
    - (h) that the provisions of subregulation (4) have not been complied with;

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- (ii) permit any employee to work as a casual worker or to carry on any work on his own account in any remunerative activity or as an independent contractor on the conditions prescribed, and require any employee so working as a casual worker to take employment by the day on such conditions as may be prescribed;
- (iii) inspect the accommodation and place of employment of any employee for the purposes of these regulations and also investigate whether the conditions of employment as set out in the agreement of employment are being carried out by such employee's employer;
- (iv) place any employee who comes from an area outside the area in which these regulations apply, and who is in transit between the headquarters or sub-office of the employment bureau and his place of employment and/or between the headquarters of two employment bureaux, in contact with his employer, and may provide such employee with food and lodging, and may recover the cost of such food and lodging from the employee's employer when such employer receives such employee, at a tariff approved by the Minister.

(4) An employment officer shall not sanction the employment or the continued employment of an employee who is under the age of 16 years in the area of the employment bureau concerned at any place other than the land on which his parent or guardian resides or is employed, unless he is in possession of written proof issued by the Native Commissioner of the area in which his parent or guardian resides, showing that his parent or guardian has granted permission thereto: Provided that no employee under the age of 18 years shall be permitted to work at a mine.

(5)

[regulation 3(5) deleted by GN 5/1977]

(6) Subject to the provisions of regulation 4 and regulation 4A below, a Native Commissioner shall have the power to investigate the complaints of any employee who is dissatisfied with his agreement of employment, or the complaints of an employer who is dissatisfied with the performance of his work by, and the conduct of his employee.

[regulation 3(6) amended by GN 5/1977]

(7) (i) Any employment officer or authorised officer may at all reasonable times enter any premises or land in a proclaimed area or a non-proclaimed area to ascertain whether the provisions of these regulations and any other law and regulations relating to the employment and control of employees are being observed, and to that end to undertake such inspection and inquiry as he may deem necessary.

- (ii) The owner or occupier of premises or land entered under the provisions of paragraph (i) shall on demand furnish the employment officer or authorised officer with such information as he may require to enable him to carry out his duties.
- (iii) Any person who directly or indirectly hinders or obstructs an employment officer or an authorised officer acting in terms of paragraph (i) or who fails to furnish any information in terms of paragraph (ii) or to give any assistance required by an employment officer or an authorised officer or who wilfully gives false or misleading information to an employment officer or an authorised officer shall be

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guilty of an offence and liable on conviction to the penalties prescribed in regulation 13.

**Complaints of Employees or Breaking of Agreements of Employment**

4. (1) Any employee who is a party to an agreement of employment and after taking up employment is dissatisfied with such agreement of employment may lay a complaint with the employment officer who shall refer such employee to the Native Commissioner in whose area the employment bureau concerned is situated.

(2) Under the powers vested in him by regulation 3(6), the Native Commissioner shall investigate the complaints of such employee referred to him under subregulation (1) and may, after consulting the employer of such employee, declare the agreement of employment cancelled if he is satisfied that such employee has grounds for complaint.

(3) A Native Commissioner may refer any employee whose agreement of employment he has declared cancelled in terms of subregulation (2) to the employment officer concerned who may offer such employee suitable employment.

(4)

(5)

(6)

[regulations 4(4), 4(5) and 4(6) deleted by GN 5/1977]

(7) (i) Where an employer is liable for the cost of food and lodging in terms of an agreement of employment and such employee unlawfully and without adequate reasons refuses or fails to render service, the Native Commissioner may, after investigation, order that all such I costs incurred by the employer be recovered from the employee in respect of the period during which he did not render service to the employer in terms of the agreement.

(ii) A Native Commissioner may order, in writing, that the cost of an employee's food and lodging for which an employer shall not be liable in terms of this subregulation be met from any money found in such employee's possession or otherwise belonging to him or accruing to him from any source.

**Complaints of Employers**

4.A (1) An employer who is a party to an agreement of employment may lodge a complaint against his employee with the Native Commissioner if such employee is guilty of misconduct, renders unsatisfactory service, refuses or fails to obey any lawful order or is guilty of conduct prejudicial to the interests of the employer.

(2) The Native Commissioner shall, by virtue of the powers vested in him by regulation 3(6), cause the complaint of the employer to be investigated and may declare the agreement of employment void if he is satisfied that the complaint is founded.

[regulation 4A(2) amended by GN 5/1977]

**Registration of Employers**

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5. (1) Every person who ordinarily employs an employee in an area of an employment bureau shall register as an employer at the employment bureau.

(2) The employment officer shall keep a record card, substantially in the form set out in the Fourth Schedule hereto, of every person who employs employees in the area of his employment bureau and record on such card the names of all employees registered in the employ of such person.

(3) Every person who requires the services of an employee in an area of an employment bureau shall notify the employment officer in writing of such requirement.

(4) An employer in a non-proclaimed area shall state in his notification in terms of regulation 5(3) -

- (i) whether he desires the employment bureau to fill the vacancy; or
- (ii) whether he intends to obtain labour from outside the area; or
- (iii) in what other manner he intends to fill the vacancy.

**Reporting of Workseekers**

6. (1) Every workseeker in a proclaimed area shall within 72 hours after becoming unemployed or within 14 days of attaining the age of 16 years or ceasing to be a full-time pupil or student at an educational institution report at the employment bureau for employment.

(2) Every workseeker in a non-proclaimed area who is unemployed may report at the employment bureau for employment and shall so report to be placed in employment within 72 hours after having been unemployed for longer than 14 days: Provided that a workseeker shall not seek work in a non-proclaimed area unless he has written proof that he has been released from the obligation of rendering service under an agreement of employment: Provided further that a workseeker shall seek work only in the area of jurisdiction of the employment officer who registered his employment under regulation 9.

(3) The employment officer shall, unless he refuses in terms of regulation 3(3) to place a workseeker in employment -

- (i) complete a service record card in respect of such workseeker substantially in the form set out in the First Schedule hereto;
- (ii) advise the workseeker of employers requiring the services of an employee;
- (iii) refer such workseeker with his concurrence to an employer who requires the services of an employee;

[regulation 6(3)(iii) amended by GN 5/1977]

- (iv) if he cannot place such workseeker in employment forthwith instruct such workseeker to report to him on such dates as he may specify or, alternatively, if the workseeker is in a non-proclaimed area, furnish him with a document substantially in the form of the Sixth Schedule hereto indicating that he has permission to seek work in the said non-proclaimed area for a period not exceeding 14 days.

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(4) Subregulations (1) and (2) shall not apply to an employee who is a female, save where such female desires to seek or take up employment or is in employment, or where such female is dependent on employment for her livelihood.

**Employment of Workseekers in Proclaimed Areas**

7. (1) No person shall engage or continue to employ a workseeker in a proclaimed area unless such workseeker –

- (a) has been referred to him under regulation 6(3); or
- (b) has been permitted under regulation 3(3)(ii) to work as a casual worker or as an independent contractor and is in that capacity engaged for or employed in work in respect of which he has been so permitted; or
- (c) renders the service for which he is engaged or employed, in his spare time under the circumstances contemplated in regulation 8(2)(iv).

[regulation 7(1) substituted by GN 5/1977]

(2) Every person to whom a workseeker has been referred under regulation 6(3) and who is not prepared to employ such workseeker shall indicate on the form prescribed in the Fifth Schedule hereto, which is to be handed to him by such workseeker, that he is not prepared to employ such workseeker, and shall sign and date the form, and such form shall within one day after it has been signed and dated by such person be handed to the employment officer by such workseeker.

**Notification of Employment in Proclaimed and Non-proclaimed Areas**

8. (1) Any person who engages an employee shall after engaging such employee, if he is not otherwise prohibited under any law from employing such employee and if such employee is not prohibited under any law from being employed in or taking up employment in the area concerned -

- (i) within three days, or within 30 days if such person has employed an employee in a non-proclaimed area, complete a notification which shall be substantially in the form set out in the Second Schedule hereto, copies of which may be obtained free of charge from the employment bureau, and deliver or post such notification to the employment officer concerned;
  - (ii) retain the acknowledgement by the employment officer of the registration of such employee;
  - (iii) keep a record of all employees in his employ,
- (2) The provisions of subregulation (1) shall not apply in the case of an employee -
- (i) who has entered into an agreement to render service in a non-proclaimed area for a specific period of less than seven days;
  - (ii) who has undertaken to render service as a casual worker or to carry on any work on his own account in any remunerative activity or as an independent contractor if

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such employee is authorised by the employment officer concerned in terms of regulation 3 to render such service or do such work;

- (iii) who has been registered for the same employer in another area;
- (iv) who is registered in the employment of an employer in that area but who, with the permission of that employer, renders service to another person in his spare time.

**Record of Employment**

**9.** (1) The employment officer, on receiving the notification referred to in regulation 8(1), shall -

- (i) if there is no other lawful reason why the employment of such employee should not be registered, register such employment by endorsing the service record card of the employee concerned, prescribed in the First Schedule hereto, accordingly;
- (ii) advise the employer of the fact that such employment has been registered by delivering or posting to him a notification of registration substantially in the form set out in the Third Schedule hereto. If the employment is in a non-proclaimed area, the employment officer shall include a duplicate of the notification of registration which shall be handed by the employer to the employee concerned.

(2) The original notification of registration shall be retained by the employer (luring the continuance of the employee's employment with him. The employer shall, during such continuance, produce such notification of registration on demand to any employment officer or authorised officer.

(3) The duplicate notification of registration in a non-proclaimed area shall be retained by the employee during the continuance of his employment and shall be endorsed by the employer as current within seven days of the commencement of each calendar month during which his agreement of service with the employee is continued.

[regulation 3(3) amended by GN 5/1977]

(4) In the event of any change of address of the employer or any variation in the terms of any agreement of employment in a non-proclaimed area, the employer shall within 14 days thereof report such change or variation to the employment officer and endorse the terms of the variation on the original and the duplicate of the notification of registration in the presence of the employee.

**Notification of Change of Employment in Proclaimed and Non-proclaimed Areas**

**10.** (1) Any person referred to in regulation 8(1) shall, if the employee referred to in that regulation dies or leaves his employ, or if the employment of such employee is terminated for any other cause, within three days of such death, departure or termination having been brought to his notice, advise the employment officer concerned of such fact by delivering or posting to him a notification substantially in the form set out in the Second Schedule hereto.

(2) The employment officer shall on receipt of a notification of desertion from employment, attempt to trace the employee.

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(3) The employment officer shall convey the particulars of the notice referred to in subregulation (1) to the district employment officer of the district labour bureau established in terms of an enactment made by a legislative council referred to in section 3 of the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act 54 of 1968).

**Employment Bureau Fees**

**11.** (1) Any person (including the State, which includes the Post Office Administration, the Railways Administration and the South-West Africa Administration) who employs an employee in a proclaimed area shall pay to the employment officer within whose area of jurisdiction such employee is mainly employed in the course of any month a monthly fee of 50 cents.

(2) Any person (including the State, which includes the Post Office Administration, the Railways Administration and the South-West Africa Administration) who employs an employee in a non-proclaimed area shall pay to the employment officer concerned a monthly fee of 25 cents.

(3) An employee who has been permitted by an employment officer in terms of regulation 3 to work as a casual worker or to carry on any work on his own account in any remunerative activity or as an independent contractor shall pay to the employment officer the monthly fee referred to in subregulation (1) or (2).

(4) The fees received by the employment officer in terms of subregulations (1), (2) and (3) shall be paid into the Native Revenue Account referred to in section 17 of the Urban Areas Proclamation for the purposes of the said section 17. Notwithstanding the provisions of the said section 17, any expenses incurred by the employment officer in placing any employee referred to in regulation 3(3)(iv) in contact with his employer may be charged to the said Account.

(5) For the purposes of this regulation the term “employee” shall not include an employee who has been exempted in terms of regulation 1 of Chapter II of the regulations published under Government Notice 65 of 1955 (South-West Africa).

**Application of Regulations**

**12.** Wherever anything contained in any other law is inconsistent with these regulations, the provisions of these regulations shall for as long as they are in force prevail over the provisions of any such other law.

**Offences and General Penalties**

**13.** (1) Any person who by any act or omission contravenes or fails to comply with any provision of these regulations shall be guilty of an offence and shall be liable on conviction -

(a) in the case of a contravention of regulation 7(1), to a fine not exceeding R300; or

(b) in any other case, to a fine not exceeding R100; or

in default of payment of the relevant fine, to imprisonment,

imprisonment for a period not exceeding six months, and, in the case of a continuing offence, to an additional fine not exceeding R20 or, in default of payment, a proportionate period of

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additional imprisonment for each day during which the offence con: Provided that the duration of any such proportionate period of additional imprisonment shall in no case exceed six months.

[regulation 13(1) amended by GN 5/1977]

(2) Every contravention of or failure to comply with any provision of these regulations may be tried and the maximum penalties may be imposed by any Native commissioner’s court or magistrate’s court.

(3)

[regulation 13(3) deleted by GN 5/1977]

**Short Title**

14. These regulations may for all purposes be cited as the Employment Bureaux Regulations, 1972, and shall come into operation on the date of publication thereof in the Government Gazette.

**FIRST SCHEDULE**  
**SERVICE RECORD CARD**

Name .....

Domicile .....

Country of origin .....

Estimated age .....

Present residential address .....

Chief/Headman .....

Previous work: Industry .....

Occupation .....

If transferred, state: Bureau .....

Industry .....

Authority .....

Remarks .....

.....

*Back of card*

**RECORD OF SERVICE**

Date(s) of registration and registration	Date(s) of employment	Employer(s) and address(es)	Occupation	If wages not prescribed, stale wages and benefits	Date(s) of discharge
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

**SECOND SCHEDULE**

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**NOTIFICATION BY EMPLOYER**

Telephone ..... Address .....  
.....  
.....

The Employment Officer,  
.....  
.....

Please note that the male/female\* employee -

Surname .....

First names .....

District of domicile .....

Country of origin .....

\* (1) Was engaged by me with effect from .....

Nature of employment .....

Rate of pay .....

\* (2) was discharged by me with effect from .....

\* (3) died on .....

\* (4) left my employ on .....

\* (5) was granted leave with effect from .....

to .....

I enclose ..... for the registration fee.

He was previously employed by .....

at .....

Date ..... Name .....

\* Delete whichever is inapplicable.

**THIRD SCHEDULE  
NOTIFICATION OF REGISTRATION  
(To be retained by employer)**

This is to certify that .....

.....  
has been registered by me for employment by .....

at ..... as .....

in the employment bureau of .....

.....  
Employment Officer

**FOURTH SCHEDULE  
RECORD CARD OF EMPLOYERS**

Name .....

Address and district .....

Telephone ..... Industry .....

Number in employment .....

Male ..... Female .....

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**PARTICULARS OF EMPLOYEES**

Name	Date of engagement	How accommodated	Date of discharge
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

*Back of card*

Date(s) of application	Number supplied	Date of notification of engagement	Wages and benefits	Number in employment		
				Men	Women	Youths
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....

**FIFTH SCHEDULE**

**INTRODUCTION OF WORKSEEKER TO PROSPECTIVE EMPLOYER**

To .....

.....

.....

Sir,

According to my records there is a vacancy on your establishment for one employee .....

The bearer hereof -

Name .....

is registered as a workseeker and desires to be considered for employment by you.

If you decide to engage him, please complete the attached form and return it to me with the bearer.

If you are not prepared to engage him, please state reasons .....

.....

.....

Yours faithfully,

.....

Employment Officer

Address .....

Date .....

**SIXTH SCHEDULE**

**PERMIT TO SEEK EMPLOYMENT**

(To be produced to an employment officer or an authorised officer on demand) No. ....

..... Name of Workseeker

.....

Estimated age ..... Tribe .....

District of Domicile ..... who has duly

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presented himself, has permission to seek employment within the non-proclaimed area of .....  
..... for a period not exceeding 14 days from date hereof.

If, after the expiration of the said period the workseeker has not yet been employed, he shall present himself again at this labour bureau.

Date Stamp

.....

Employment Officer